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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,721	05/17/2006	Seiji Omura	062525	3556

38834 7590 05/02/2007  
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WASHINGTON, DC 20036

EXAMINER
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THOMAS, ERIC W

ART UNIT	PAPER NUMBER
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2831

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/579,721

**Applicant(s)**

OMURA ET AL.

**Examiner**

Eric Thomas

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892).           | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 4, 5a-5c, and 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

Claim 1, line 6, replace "a" with --the--.

Claim 1, line 8, replace "a" with --the--.

. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

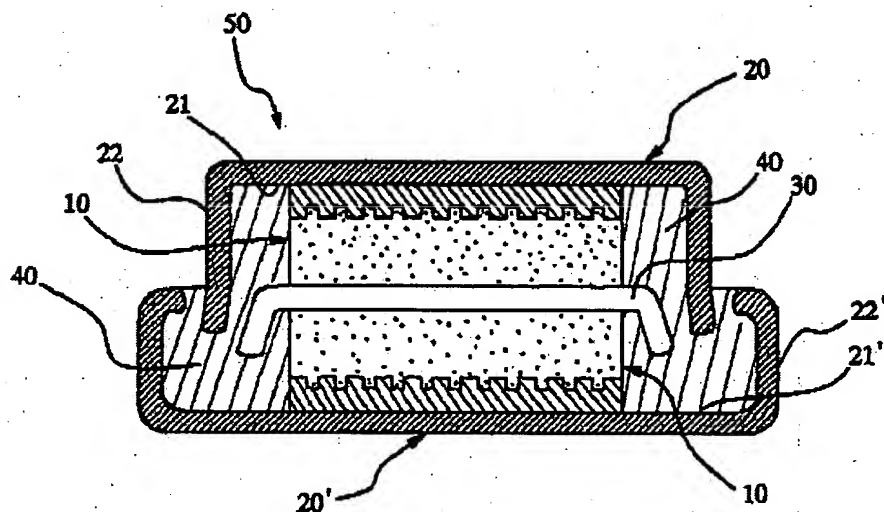
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al. (US 2003/0112581) in view of JP 11-251202 ('202).

FIG. 2



Kwon et al. disclose in fig. 2, An electric double layer capacitor, comprising:  
a separator (30); a pair of polarizing electrodes (10), disposed opposite to each other

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with the separator interposed therebetween; an electrolytic solution, impregnated in the pair of the polarizing electrodes and the separator;

an exterior cover (20) and an exterior case (20'), accommodating the separator, the pair of the polarizing electrodes and the electrolytic solution;

and a gasket (40), disposed between the outer circumferential part of the exterior cover and the inner circumferential part of the exterior case, storage space formed by the exterior case and the exterior cover being hermetically sealed by inwardly bending the opening tip portion of the exterior case; wherein no folded-back part is provided at the outer circumferential part of the exterior cover.

Kwon et al. disclose the claimed invention except for the gasket is formed from polyether ether ketone.

'202 teaches that gaskets formed from polyether ether ketone are excellent in heat resistance.

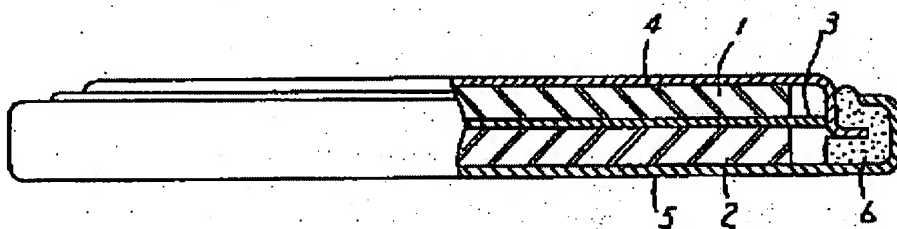
It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the gasket of Kwon et al. using polyether ether ketone as taught by '202, since such a modification would produce a capacitor having heat resistant gaskets.

Regarding claim 5, the modified Kwon et al. discloses the claimed invention. Regarding the limitation, "the gasket has been heat treated at 260 degrees C or more" is a method of forming the device. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been

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given patentable weight. In re STEPHENS, WENZL, AND BROWNE, 145 USPQ 656 (CCPA 1965)

5. Claims 1, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01-222426 ('426) in view of JP 8-298232 ('232).



第 1 圖

'426 discloses in fig. 1, an electric double layer capacitor, comprising:  
a separator (3); a pair of polarizing electrodes (1,2), disposed opposite to each other with the separator interposed therebetween; an electrolytic solution, impregnated in the pair of the polarizing electrodes and the separator;

an exterior cover (4) and an exterior case (5), accommodating the separator, the pair of the polarizing electrodes and the electrolytic solution;

and a gasket (6), disposed between the outer circumferential part of the exterior cover and the inner circumferential part of the exterior case, storage space formed by the exterior case and the exterior cover being hermetically sealed by inwardly bending the opening tip portion of the exterior case; wherein no folded-back part is provided at the outer circumferential part of the exterior cover.

'426 discloses the claimed invention except for the gasket is formed from polyether ether ketone.

'232 teaches that gaskets formed from polyether ether ketone are excellent in heat resistance.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the gasket of '426 using polyether ether ketone as taught by '232, since such a modification would produce a capacitor comprising gaskets having excellent heat resistance.

Regarding claim 5, '232 discloses the gasket has been heat treated at 260 degrees C or more.

***Allowable Subject Matter***

6. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest (taken in combination with the other claimed features) an electric double layer capacitor the thickness of the exterior cover is larger than the thickness of the exterior case (claim 2)

The prior art does not teach or suggest (taken in combination with the other claimed features) an electric double layer capacitor wherein a concave portion in which the gasket goes is formed in the opening tip portion of the exterior cover (claims 3-4).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Thomas whose telephone number is 571-272-1985. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ewt

 4-30-07  
**ERIC W. THOMAS**  
**PRIMARY EXAMINER**